

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | 4:11CR3033 |
| Plaintiff, |) | |
| |) | FINDINGS AND |
| vs. |) | RECOMMENDATION |
| |) | ON A GUILTY PLEA |
| LUIS VAZQUEZ, |) | |
| |) | |
| Defendant. |) | |

The defendant, together with counsel and in the presence of counsel for the government, appeared before the undersigned and tendered a plea of guilty to Count I of the indictment. Before doing so, defendant was advised of the charges, the penalties and the right to appear before a United States District Judge. The defendant then orally consented to appear before me, a United States Magistrate Judge, to enter a plea of guilty.

After being sworn, the defendant was orally examined by me in open court as required by Federal Rule of Criminal Procedure 11. The defendant was also given the advice required by that Rule. Finally, the defendant was given a full opportunity to address the court, and ask questions.

Counsel for the government and counsel for the defendant were given the opportunity to suggest additional questions by the court. Moreover, both counsel orally certified that they were of the opinion that the plea was knowing, intelligent and voluntary and that there was a factual basis for the plea.

At the close of the plea hearing, the government moved to dismiss counts II and III of the indictment without prejudice. Defense counsel does not oppose this motion.

The undersigned magistrate judge finds and concludes that defendant's plea to Count I of the indictment: 1) is knowing, intelligent, and voluntary; (2) there is a factual basis for the plea; and (3) the parties have complied with the provisions of Rule 11 and any other provisions of the law governing the submission of guilty pleas.

IT IS RECOMMENDED to United States Senior District Judge Warren K. Urbom that, after de novo review:

- he accept the guilty plea and find the defendant guilty of the crime(s) to which the defendant tendered a guilty plea; and
- he dismiss Counts II and III of the indictment.

If any party desires to object to the findings and recommendation, they shall do so no later than 14 calendar days following the date of the findings and recommendation or they may be deemed to have waived the right to object to adoption of the findings and recommendation.

Dated: May 19, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
Cheryl R. Zwart
United States Magistrate Judge